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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,887	12/08/2003	Nick Albrecht	7390-X03-023	4660

27317 7590 09/23/2005

FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/731,887	ALBRECHT ET AL.	
	Examiner	Art Unit	
	Gregory W. Adams	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (US 5,393,192).

With respect to claim 1, referring to FIGS. 1-16 Hall et al. disclose comprising a loading floor 30, slanted elements 20, 38, 60, 62 for lifting the loading floor over loading edge guide linkage 22 for a loading floor 30, a roll or slide element 40 near a loading edge.

With respect to claim 2, referring to FIGS. 1-16 Hall et al. disclose a roll or slide element 40 on a loading edge, slide ball or roller 24 driven over when a loading floor is lifted and during horizontal movement.

With respect to claim 3 referring to FIGS. 1-16 Hall et al. disclose a slant provisioned on the a loading floor face across from a loading edge in a retracted state 38.

With respect to claim 4, referring to FIGS. 1-16 Hall et al. disclose a guide linkage 20, 38, 60, 62 provisioned along a loading area and configured with a spacing element.

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With respect to claim 5, referring to FIGS. 1-16 Hall et al. disclose a drive mechanism 66 to drive the loading floor into and out of a vehicle and attaching to a vehicle and loading floor lower side.

With respect to claim 6, referring to FIGS. 1-16 Hall et al. disclose spacing elements 24 further comprising steering devices 24 on loading floor side walls, shaft 26 held by steering devices 24, and drive elements 66 which engage the guide linkage 20, 38, 60, 62.

With respect to claim 7, referring to FIGS. 1-16 Hall et al. disclose elements 24 which steer a toothed belt 42, keeping it taut.

Claims 8-10 & 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakanou (DE 10037702). Nakanou disclose a loading floor comprising a first end, spacing element 42, second end, a slant member 32 along a second end outer edge wherein a spacing element 42 and slant member 32 vertically raise first and second ends over a vehicle loading edge as a loading floor is extended from a vehicle, and further comprising a guide linkage 24 affixed to a vehicle and engaging a spacing element 42 such that a spacing element 42 slides along a guide linkage 24 a guide linkage which includes an angled section 30, 32 and a horizontal section 24 wherein a spacing element and angled section raise a loading floor first end, a loading floor first end is raised a distance of a loading floor thickness. Nakanou further discloses a slant member 32 angled with respect to a loading floor upper side surface wherein a slant is 25-60 degrees.

Claim Rejections - 35 USC § 103

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanou (DE 10037702) in view of Hall et al. (US 5,393,192). Nakanou does not disclose a drive mechanism connected to a spacing element. Hall et al. disclose drive mechanism 36 connected to a spacing element 34 to extend and retract a loading platform. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Nakanou to include a drive mechanism, as per the teachings of Hall et al., such that a load platform will extend and retract.

Response to Arguments

Applicant's arguments filed June 10, 2005 have been fully considered but they are not persuasive.

With respect to claims 1-7, applicant argues that Hall et al. does not disclose a platform for positioning a load from a vehicle to a position external to the vehicle. Applicant has merely claimed a loading floor provisioned in a loading of a vehicle. This may include Hall's ramp. Further, Hall's ramp allows for access to a vehicle loading area wherein the ramp is stored.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

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(i.e., a steering devices, drive rollers, running sections, and a slant that moves diagonally upwards) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600